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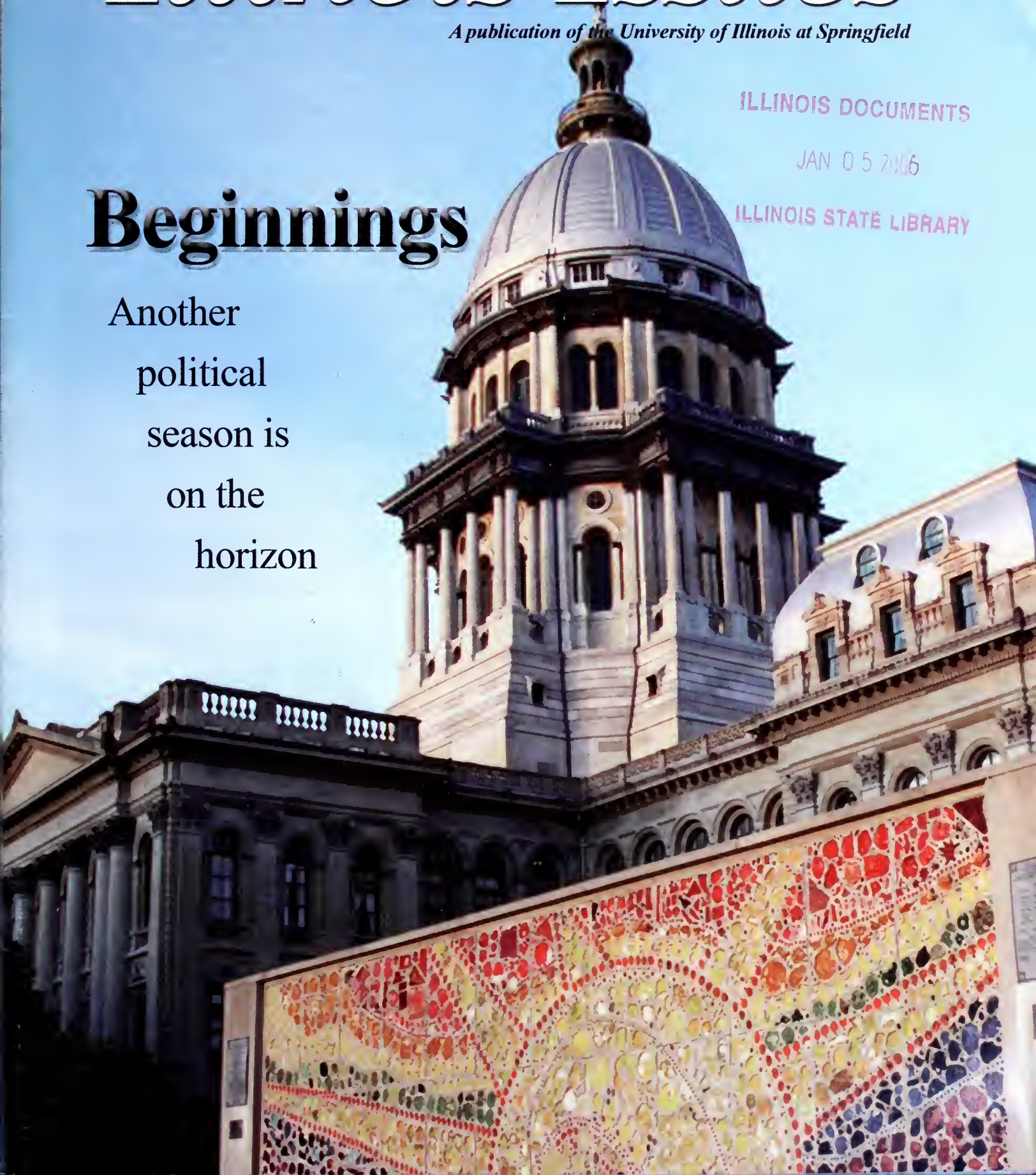
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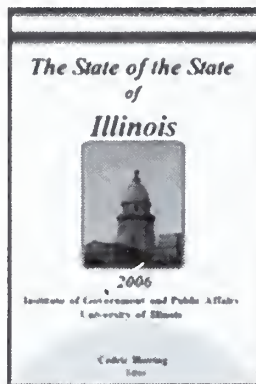
Beginnings

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Peggy Bayer Long



Illinoisans face threats and opportunities in the New Year

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former Illinois Gov. James Thompson, one of five Republicans on the panel, warned that terrorists will attack this nation again. Still, he argued, we allow political gridlock to stymie action.

"The country has to come to grips with the fact that we live in a far

"All of that has changed."

He's right. The world has changed. The nation is changing, too. Will Illinois? We would argue that it will — and has. As do all Americans, Illinoisans face threats and opportunities in the New Year. We are among those fighting in

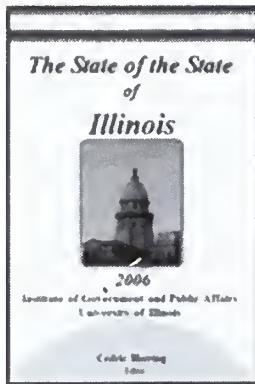
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Among their recommendations is better congressional oversight of intelligence activities, an especially

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Peggy Boyer Long



Illinoisans face threats and opportunities in the New Year

by Peggy Boyer Long

Can we ensure the safety of the nation, yet protect the civil liberties of Americans? Can we secure the homeland, yet guarantee the rights of detainees on foreign soil? Can we retool our government for an uncertain future, yet maintain our democratic principles?

The need to come to consensus on these issues grew more urgent as the old year slipped into the new.

While *Illinois Issues* prepared to publish this edition — the last in our 30th anniversary lineup — the nation's leaders were renewing debate over the rationale for the war in Iraq, the moral and practical implications of using torture to acquire intelligence, the extent of presidential powers and restrictions on domestic spying.

And some leaders were revisiting our failure to prepare for terrorist attacks before September 11, 2001, and in the years since.

Last month, as the members of the 9/11 Commission met for a final time, former Illinois Gov. James Thompson, one of five Republicans on the panel, warned that terrorists will attack this nation again. Still, he argued, we allow political gridlock to stymie action.

"The country has to come to grips with the fact that we live in a far

"The country has to come to grips with the fact that we live in a far different world than the world in which most of us grew up, received our education, understood our place in America, and understood America's place in the world."

James Thompson
at the 9/11 Commission's final session
December 2005

different world than the world in which most of us grew up, received our education, understood our place in America and understood America's place in the world," Thompson told his fellow commissioners, families of the 9/11 victims and C-Span's audience. "All of that has changed."

He's right. The world has changed. The nation is changing, too. Will Illinois? We would argue that it will — and has. As do all Americans, Illinoisans face threats and opportunities in the New Year. We are among those fighting in

Iraq. And we will have to prepare for potential attack with our share of federal homeland security dollars.

We also face fundamental questions as we head into 2006. Here are a couple: What will we allow to be done in our name? And who and what should America become in the 21st century?

There are no easy answers. So in the seasonal tradition of must-read lists for the New Year, *Illinois Issues* offers a few suggestions to help put these questions into perspective. The list is short, and idiosyncratic.

We suggest beginning with *The 9/11 Commission Report*, or at least the Executive Summary. The context it provides on Osama bin Laden, Al Qaeda and Afghanistan should make this required reading.

Fair warning, though. This is one scary document. The descriptions of what happened inside the planes on the morning of September 11, 2001, are difficult to read, but hard to set aside, no matter the lateness of the hour.

In fact, the lateness of the hour is a subtext. The bipartisan commission concluded we weren't even prepared to exploit the terrorists' mistakes.

Among their recommendations is better congressional oversight of intelligence activities, an especially

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poignant concern, given recent controversy on that point.

Legal restrictions on domestic spying by the National Security Agency — at the heart of a late-December political flare-up — were signed by former President Jimmy Carter. As it happens, his recent book is the second suggestion on our list of relevant reads.

Though Carter doesn't say so, *Our Endangered Values* implies that, in an effort to protect ourselves from enemies, we are in danger of becoming like them. He warns of fundamentalism in religion and in government, the blending of the two and the consequent impact on our foreign policy.

To get the other side of the argument, here's our third suggestion: *The Neocon Reader*. This collection of essays aims to explain the neoconservative attitudes on a range of policies. It does a good job of explaining President George W. Bush's approach to foreign affairs, including his shift to pre-emptive war.

Here's an excerpt from the essay by Condoleezza Rice, now Bush's secretary of state: "There has never been a moral or legal requirement that a country wait to be attacked before it can address existential threats."

Happy New Year's reading. ▢

Peggy Boyer Long can be reached at peggyboy@aol.com.

Here's the list

The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States, W.W. Norton & Company, 2004.

The report and its easily digested Executive Summary are available for downloading on C-Span's Web site, along with the program of the commissioners' unofficial final meeting, which aired December 5. The federal panel was composed of five Democrats and five Republicans, including former Illinois Gov. James Thompson. Their report provides context on Islamic terrorism, explains why we weren't ready for the 9/11 attacks and recommends ways to prevent and prepare for future attacks.

Our Endangered Values: America's Moral Crisis by Jimmy Carter, Simon and Schuster, 2005. Carter, a Democrat, was president from 1977 to 1981. His tenure ended, in part, because Islamic fundamentalist Ayatollah Khomeini encouraged Iranian militant supporters to hold 52 members of the U.S. embassy staff hostage for 14 months. In this, Carter's 20th book, he warns of religious and government fundamentalism in this country and argues against blurring the line between politics and faith. He assesses the "distortion" of America's foreign policy, the nation's move to pre-emptive war and torture of detainees.

The Neocon Reader, edited with an introduction by Irwin Stelzer, Grove Press, 2004. This collection of essays by key writers and thinkers of the neoconservative "persuasion" examines the historical roots and intellectual underpinnings of neocon approaches to domestic and foreign policies. Stelzer attempts to define neocon and debunk fears and fantasies about the power of neocon attitudes inside and outside of government. Among the essayists: William Kristol (on the relationship between national interest and global responsibility); Condoleezza Rice (on President George W. Bush's national security strategy); and John Bolton (on weapons of mass destruction).

See also

- "Who has the power?" *Illinois Issues*, November 2005, page 26. An essay on scholarship about the president's powers to start and prosecute war.

- "What will we give up?" *Illinois Issues*, June 2005, page 14. A report on the conflicting interests in security and privacy as Congress began deliberations on renewing portions of the USA Patriot Act.

- "At war with the Constitution," *Illinois Issues*, February 2003, page 26. An essay on civil liberties in wartime and President Abraham Lincoln's administration.

- "Terrorism's cost hits home," *Illinois Issues*, May 2002, page 14. A report on Illinois' efforts to prepare for potential terrorism attacks.

Peggy Boyer Long

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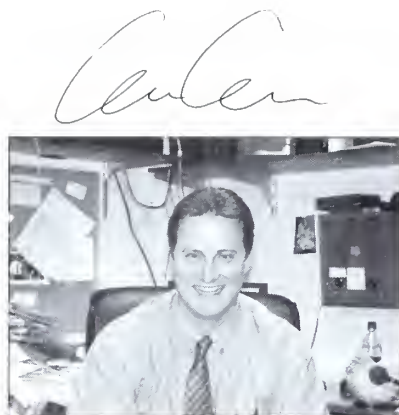
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Parties aim for position on key issues this legislative session

by Aaron Chambers

When Gov. Rod Blagojevich granted a 4 percent pay raise to nonunion state employees early last month, he applauded the government's fiscal health. It was the first raise the employees, some 8,000 of them, received under his administration.

"Thanks to you, we now have our fiscal house in order," the governor wrote in a letter to those employees, "and we are now in a position where we can reward your hard work and dedication."

By the close of Blagojevich's third year as governor, the state's fiscal condition had indeed changed. The state's income and sales tax revenues were up as people earned, and spent, more money. Annual budget deficits had narrowed considerably from the estimated \$5 billion hole the governor faced when he took office in January 2003.

Blagojevich did propel a slew of tax and fee increases through the legislature but kept his pledge not to raise the personal income tax or general sales tax. He even stepped up spending on education and health care.

But the Democrat's pronouncement of fiscal order irks Republicans, including Senate Minority Leader Frank Watson of Greenville. When Watson looks at the state budget, he doesn't see progress; he sees the way Blagojevich brought it into balance. The governor employed a host of divisive tools to reconcile spending

Democrats are fighting to protect the gains they made in the 2002 election, when they captured the governor's office as well as control of the Senate, while Republicans are hoping to expand their own reach.

pressure with cash flow.

These divergent views reign as legislators begin their spring session this election year. Democrats are fighting to protect the gains they made in the 2002 election, when they captured the governor's office as well as control of the Senate, while Republicans are hoping to expand their own reach. In fact, the Democrats have scheduled the end of the session for April 7, nearly two months before the constitutional deadline of May 31, so candidates can hit the campaign trail sooner.

In the short time they've allotted for legislative business, both parties aim to position themselves on key issues.

"I just find that appalling that he'd even suggest that," Watson says of the governor's fiscal pronouncement. "Every

time I hear this, the hair on my neck just stands up and I just cringe at the whole attitude that they think that they've solved the problem. They've not solved the problem; they've created more."

In 2003, during Blagojevich's first year, when the state borrowed \$10 billion to buttress public retirement systems, Illinois dedicated only \$7.3 billion to the unfunded liability of the systems. The state used the remaining \$2.16 billion (after accounting for fees) to cover routine pension payments — payments typically made with general funds, not borrowed funds.

The administration also has relied heavily on cash diverted from myriad accounts set aside for such special purposes as road construction and veterans' affairs. It used short-term loans each year to catch up with Medicaid bills.

Last spring, Blagojevich and the Democrats, who control the General Assembly, made the most controversial financial deal of all: They diverted \$2.3 billion from the state's pension funds to cover operating expenses.

The Democrats note they simultaneously cut pension benefits for retirees, which should generate savings over the long term, but Republicans are fixated on the potential cost of making up the dollars not invested in the systems.

That pension maneuver set the groundwork for this abbreviated session. Beyond cutting the pension payment for the

current fiscal year, the Democrats gave themselves flexibility in the next budget, cutting the payment by another \$1.13 billion.

The compressed schedule, together with the predetermined budget framework, will focus lawmakers' attention on feel-good measures rather than sweeping policy changes. Watch for them to act tough on sex offenders and meth producers while flocking to support seniors and children.

"You're going to see a session designed to give people cover and protection and ammunition for campaign brochures and mail pieces," said House Minority Leader Tom Cross, an Oswego Republican.

On the other hand, Deputy Gov. Bradley Tusk says it's premature to write off this session, which begins January 11, as one devoid of substantive action. He promises the governor will propose a "robust agenda."

"There will be plenty of opportunity for people to continue to vote for causes that help people, or vote against those causes," Tusk says.

Democrats could implement a spending plan without a single Republican vote, if necessary. But they can't put into motion one of the governor's key priorities — a capital construction program — without the GOP. Blagojevich has proposed various incarnations of a plan to develop roads, schools and other infrastructure. But as he heads into the final year of his term, he has no capital plan to call his own. Lawmakers have refused to grant him a dime's worth of borrowing authority necessary to finance the work.

The latest version of the plan, worth \$2.1 billion, died in the Senate last spring when Republicans unanimously opposed it. Lawmakers need Republicans to muster the three-fifths majority necessary to authorize borrowing.

This year, the absence of a capital program means Illinois could lose federal dollars earmarked for the state under the multiyear, \$286.5 billion federal road plan approved last summer. The state must pay its matching share to gain federal support for certain projects. It's not clear how much Illinois stands to lose. The Blagojevich Administration insists Illinois will not forfeit any of the federal support, but the state has not yet modified its own transportation plan to reflect the

impact of the federal plan.

"If the dollars are there now, I think it's best that we go ahead and access those dollars to help Illinois," says Senate President Emil Jones Jr., a Chicago Democrat. "It would be rather foolish on members' parts to play politics with that issue and cause us to lose more federal dollars."

Republicans say Blagojevich must identify a fresh source of revenue sufficient to cover payments on any loan. They also say they're reluctant to give the governor a capital program when he refuses to release every grant stemming from Illinois First, former GOP Gov. George Ryan's capital program. The grants were set aside for projects in legislative districts.

"I think you're going to have a hard time, given the nature of the state budget, to justify doing a capital bill," Cross says. Watson adds: "We want to make sure that they live up to the obligations that they make. We all know that's been a problem for this administration."

The wild card this session is utility deregulation, an issue that stands to divide the Democrats. If the Illinois Commerce Commission follows the lead of two administrative law judges, who in early December ruled utilities can have their way with the power market next year, then certain lawmakers could try to pre-empt the commission with modifications to the state's utility law.

The commission is contemplating ways to structure the state's power market when a 10-year utility rate freeze expires at the end of this year. Commonwealth Edison and Ameren, the state's largest power retailers, want to buy power through "reverse auctions" like those used in New Jersey.

Critics argue that such auctions, in combination with lifting the rate freeze, could lead to rate increases of 20 percent or more. Last spring, House Speaker Michael Madigan, a Chicago Democrat, held a series of hearings that projected his deep distrust of utilities and his desire to keep rate hikes in check.

"The speaker, I'm sure, would love to see his members vote for what he would see as a consumer-friendly bill that took a swipe at ComEd or the ICC," Cross says. "I wouldn't be shocked to see a bill like that in the House purely for roll call

purposes. I'd almost be shocked if I didn't see it."

Madigan spokesman Steve Brown demurred when asked about the prospect. He noted Illinois Attorney General Lisa Madigan, the speaker's daughter, sued to stop the ICC from allowing the controversial auctions, and that the litigation is still pending.

Even if the House approves legislation unfavorable to utilities, the Senate is unlikely to follow its lead. Jones is closely aligned with the utilities and, in November, his chamber rejected the governor's appointment of Martin Cohen, former director of the pro-consumer Citizens Utility Board, to head the ICC.

"The purpose of having an appointed Commerce Commission, as opposed to elected, is so they can make the proper decision and not worry about political fallout," Jones says. "I don't intend to interfere with that process."

Utilities and finances aren't the only points dividing Democrats and Republicans. They also offer competing perspectives on ethics, a perennial topic around the Capitol. This year, like four years ago when Gov. Ryan was on his way out, the talk is driven in large part by scandal surrounding the governor.

Blagojevich has not been charged with wrongdoing, but his administration has been the focus of federal and state probes into hiring practices, accounting irregularities and other matters. Newspaper reports have linked donations to his campaign to contracts doled out by his administration. Even as Republicans attempt to distance themselves from Ryan, whose corruption trial likely will continue into this year, they are trying to depict Blagojevich as the face of ethical compromise. On the campaign trail and at the Capitol, the Republicans are clamoring for "reform."

Tusk retorts that the GOP balked at campaign finance restrictions the governor proposed at the tail end of the spring session last year. "If they're for reform, let's see it," Tusk says. "You can talk about reform, but you have to do more than just talk about it."

From ethics to state finances, Democrats and Republicans, perhaps just Democrats, will have plenty of disagreements. ■

Aaron Chambers is Statehouse bureau chief for the Rockford Register Star.

BRIEFLY

Radio Free Urbana hits the airwaves

No experience? No problem. This was the mantra planners offered for an Urbana “radio barnraising.”

Radio whizzes, with the help of about 200 volunteers, constructed Radio Free Urbana, a low-power radio station, from scratch over the course of a November weekend.

Now WRFU 104.5 broadcasts live evening programming that includes community news and public affairs, an open platform for the community and such diverse offerings as Scandinavian rock and Chicano music.

The Urbana-Champaign Independent Media Center (UCIMC), a volunteer group that aims to bring democratic, noncorporate news and media resources to the community, led the effort with help from Champaign-Urbana Wireless



Mica Alaniz, a programmer from WLWU in Chicago, helped build the new Urbana station.



Volunteers from across the country traveled to central Illinois one November weekend to help put together a new low-power radio station: WRFU 104.5, or Radio Free Urbana.

Networks, a group that brings open-source wireless technology to communities, and Prometheus Radio Project, a national nonprofit that has guided eight radio barnraisings around the country. (See *Illinois Issues*, December 2003, page 29.)

WRFU 104.5 is located at the Urbana Post Office, which the Independent Media Center purchased. The group leases space to the post office, which is also home base to an expanded wireless network.

The station aired for the first time at 5 p.m. on November 13, mere hours after the work was finished.

“All the major stuff we needed to get done was done by 3 or 4 o’clock,” says Lynsee Melchi, a volunteer who has worked with UCIMC for a year. “People weren’t still painting as we went on the air or anything.”

Over that weekend, workshops led by experts gave people training in the necessary skills. Volunteers from all over

the country — and Ecuador, London and Canada — showed up to help.

“It was really a very diverse group of people that came to celebrate and help get this station on the air,” says Hannah Sassaman, an organizer with Prometheus. “It was one of the most beautiful collaborative projects that we’ve had the pleasure of being involved in.”

A 2000 decision by the Federal Communications Commission permits communities to apply for their own low-power FM station, which can operate at 100 watts and cover up to a 3.5-mile radius of service.

Equipment for the Urbana barnraising was entirely paid for by community donations and Independent Media Center fundraisers. Melchi estimates that three-fourths of the volunteers were from the local area, and most of those, including herself, had little or no experience with radio technology.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>



Radio Free Urbana aired programming for the first time on November 13, just a few hours after a crew that included 200 volunteers finished constructing equipment for the new station.

"I'm great with science. I'm terrible with technology," she says. "But everyone was able to get involved to whatever level they wanted."

Melchi, a 2003 alumnus of the University of Illinois at Urbana-Champaign who led fundraising and publicity, made charts for the wiring. She also pitched in

with painting and putting up the antenna. Now she has her own music program on WRFU that airs Monday nights.

The new station is seeking more DJs.

"We'll take anybody, so that more people can experience radio," she says. "We'll grab people off the street if we have to."

Vera Leopold

Gaming board may make casino decision

The Illinois Gaming Board may vote this month on whether to revoke the license of the embattled Emerald Casino, as Abner Mikva, a former federal judge appointed to oversee revocation hearings, recommended in a 38-page report.

The decision, on the board's agenda for its January 3 meeting, was to be considered last month, but Illinois Senate President Emil Jones Jr. appeared before the panel and asked it to set up protections for minority investors in the project.

A previous board had granted a license for a casino to be built in northwest suburban Rosemont. The plan was marred by problems that included signs of mob involvement.

Mikva's report, which contends that the Emerald license application filed in 1999 was "neither accurate nor complete," is available online at <http://www.igb.state.il.us/whatsnew/>.

UPDATES

- State and federal legislators will be asked to approve a binding compact between eight states and two Canadian provinces that seeks to prevent states outside the region from tapping into the Great Lakes. (See *Illinois Issues*, July/August 2005, page 16, and July/August 2004, page 31.)
- A federal judge in Michigan rejected a challenge to the Bush Administration's No Child Left Behind program that contended the federal government should not have the right to set requirements for the states without funding them. (See *Illinois Issues*, June 2004, page 24.)
- The University of Illinois at Urbana-Champaign lost its appeal of the National Collegiate Athletic Association's decision to place UIUC on a list of universities that are ineligible to host post-season tournaments because they have hostile or abusive racial/ethnic/national mascots. (See *Illinois Issues*, October 2005, page 11.)

BIG FISH

Governments set new traps to keep carp out of the Great Lakes

The state and federal governments are drawing new lines in the water in their battle to control an invasive species of carp.

The first phase of a jointly funded \$9.1 million electric barrier designed to keep Asian carp out of the Great Lakes will begin operation this month near Romeoville. At the same time, a Havana-based company will use public dollars to explore commercial uses for the nuisance fish, which is reproducing at such an alarming rate it threatens the ecological balance in the state's rivers.

Carp Protein Products LTD received a \$38,000 federal grant through the Illinois Department of Natural Resources and the Illinois Natural History Survey to complete a survey of fish in Illinois rivers. The Illinois Department of Commerce and Economic Opportunity earlier had granted the company more than \$100,000 in grants and services to conduct the study.

"We have one human-grade food product ready to go," says Jim Sneed, president of the company. Other products that include animal foods will follow, as well as nonfood products that are in a research-and-development phase.

Sneed says he wants to have the company operating by spring of 2007. He's looking to locate a processing plant near Havana or Beardstown and expects to hire 40 employees to harvest and process 20 million pounds of the carp each year. He says the company's goal is to expand to as many as 100 employees in five years.

Two species of Asian carp, bigheads and silvers, have overtaken this state's major waterways in just over a decade.

In a twist, Sneed's father was one of the original federal aquatic scientists who introduced the carp to this country to help fish farmers in the South control algae. Like muscels, the carp filter water through their bodies.

Sneed, a retired aerospace engineer turned entrepreneur, says in still water, such as commercial catfish ponds, the carp's eggs settle to the bottom and are attacked by fungus, which stops reproduction. However, when the fish farms were washed out by floods in the 1980s and 1990s, the carp moved into flowing river waters and their eggs remained viable. One female can produce 2 million to 3 million eggs two or three times a year.

State biologists estimate there are 60 million to 80 million Asian carp in Illinois rivers, comprising up to 75 percent or more of the fish populations in the Illinois River. Sneed says his surveys showed as much as 95 percent to 99 percent in some areas.

Silver carp, which are sensitive to motors, are known to jump into boats and often hit boaters hard enough to cause injury. Normally 24 to 30 inches and 3 to 10 pounds, silver and bighead carp can grow to more than 100

pounds. They are voracious eaters, consuming their body weight each day. They can outcompete native fish by hogging aquatic plants, snails and clams.

The carp have been found within 30 miles of Lake Michigan.

The second phase of the Romeoville barrier, which replaces an older version (see *Illinois Issues*, February 2003, page 10), is expected to be up and running in March. The new barrier stretches two rows of electrodes, which run DC current in the water, 220 feet across the Chicago Sanitary and Ship Canal. The electric current repels the fish, and they won't swim through it. The new design allows for a stronger, more consistent electric field that biologists and engineers hope will protect the multimillion dollar commercial and recreational fishing industry in the Great Lakes. *Beverley Scobell*

Photograph courtesy
of the U.S. Fish and
Wildlife Service



Asian carp, like this bighead caught in Illinois, threaten the ecological balance of the state's rivers. State and national agencies are collaborating to control the invasive species.

DESIGN DEBATE

Religion meets politics in the science classroom

One under-the-radar issue that might separate Republican candidates in the March primary is intelligent design as an alternative to evolution in public school science classes. It's a minor issue, but one that draws a passionate voting bloc.

"Intelligent design is not an issue like taxes or highways that affect everybody," says Springfield-based University of Illinois morality policies scholar Christopher Mooney. On the other hand, it is a topic that has the potential to "get people's blood up."

Intelligent design is the belief that some features of nature are too complex to have been the result of any process short of a supernatural, or "intelligent," designer. It is a movement gaining political currency among conservatives across the country.

President George W. Bush weighed in on the side of intelligent design advocates who believe it should be presented to science classes as an explanation for the "gaps" in Darwinian evolution theory.

During his informal and temporary campaign for governor, state Sen. Steve Rauschenberger of Elgin told The Associated Press that he believed intelligent design should be presented in science classrooms. Later, Rauschenberger opted to run for lieutenant governor and back the campaign of Ron Gidwitz, a Chicago businessman who headed the State Board of Education under Gov. George Ryan. Gidwitz took a neutral stance on the intelligent design issue. Candidate Bill Brady, a state senator from Bloomington, said local school boards should make the decision; and his opponent, Aurora businessman Jim Oberweis, opposed the idea.

David Loveday, campaign manager for state Treasurer Judy Baar Topinka, who entered the race after the AP poll, says her

position is that, if intelligent design is taught at all in public schools, it should be taught in philosophy class, not science class.

Matthew Finkin, a law professor at the University of Illinois at Urbana-Champaign, compares the effort to teach intelligent design in the public schools to the anti-alcohol movement in the 1870s. The Woman's Christian Temperance Union pushed for laws requiring teachers to present alcohol as a "dangerous and seductive poison." By 1890, 37 states had adopted mandatory "scientific temperance" instruction laws. By 1896,

all Illinois public schools were required to teach a minimum of 40 anti-alcohol lessons a year in the upper grades. However, by 1903, scientists proved the purportedly scientific information was baseless.

Last November, the Kansas School Board wrote new curriculum standards that redefine the word "science" to include

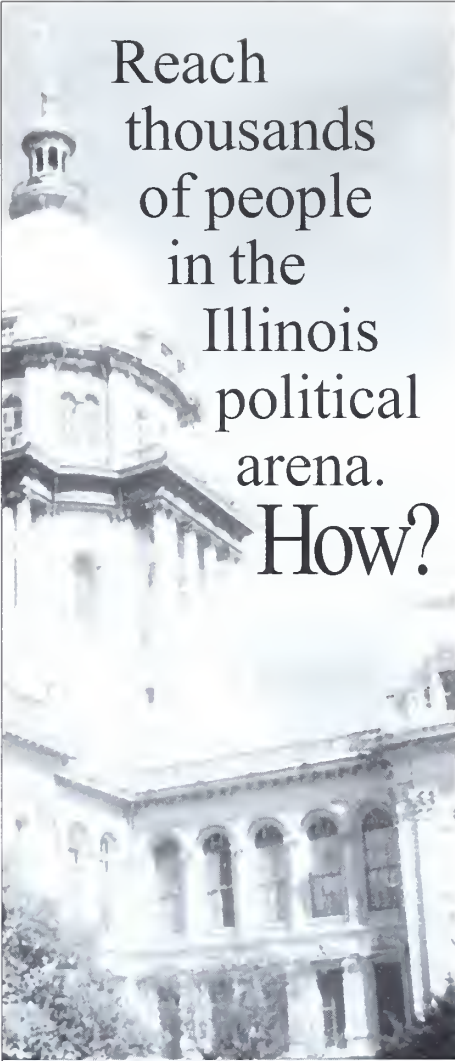
explanations other than an empirical search for natural phenomena. Intelligent design advocates helped draft the standards.

Meanwhile, in Pennsylvania, a federal judge will rule this month on a lawsuit brought by parents of the Dover school district that argues the insertion of intelligent design in the science classroom amounts to a violation of the separation of church and state. Eight Republican board members who had ordered the intelligent design statement read in class were ousted in the fall election by eight Democrats who opposed the idea.

In Illinois, K-12 education is structured differently. State Board of Education members are appointed by the governor rather than elected by voters.

"Given the politics of Illinois," says Mooney, a political studies professor with the University of Illinois' Institute for Government and Public Affairs, "it shouldn't be an issue in the campaign."

Beverly Scobell



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Kudzu's Illinois range expands northward

Kudzu, an introduced, prolific species that crowds out native vegetation and can severely impact forests, has been found in 30 Illinois counties so far, some beyond the state's southern reaches.

The creeping, semi-woody vine, which can grow more than a foot per day and engulf telephone poles as well as trees, is illegal to buy, grow and plant in the state. It was placed on the Illinois Noxious Weed list in 2002.

"It's probably one of the fastest-growing and highest-climbing vines that we have," says Jody Shimp, regional biologist at the Illinois Department of Natural Resources. "It's one of those plants that most people can recognize as an invasive exotic because it's kind of in your face."

Originally brought to the United States for a gardening exposition, kudzu likely



Kudzu overtakes a forest.

Photograph by George F. Czapar

Photograph by Ted Bodner, courtesy of the Southern Weed Science Society. www.forestryimages.org



Kudzu up close

has been in Illinois since the 1930s, when farmers and landowners planted it to help control erosion.

Now the species takes up some 418 acres, mainly in the southern part of the state.

But patches of kudzu are showing up in other areas of Illinois, as well, says George Czapar, extension educator for integrated pest management at the Springfield Extension Center of the University of Illinois. The northernmost patch was found in north suburban Evanston in Cook County.

Native to China and Japan, kudzu resembles wild grape but has leaflets in groups of three. The plant is most prevalent in the southern United States, where it covers an estimated 7 million acres.

Formerly, people believed kudzu could not survive the Midwest winters. But, "it does just fine in the winter," Czapar says. "People initially said that the seed wouldn't be viable in Illinois, but they collected seeds that were viable. So it's pretty well adapted to even this far north."

Kudzu's hardiness and high germination rate have caused some to label it a

"superweed." Like other invasive species, kudzu lacks natural predators to limit its expansion.

And the persistent plant is hard to eradicate. Even after repeated mowing, it can grow back.

"The problem with this plant is it has an extensive underground network of roots," Shimp says. "That's why it grows so vigorously. The best tool we have right now is a systemic herbicide that spreads throughout the plant and reaches the roots."

There may be additional cause for concern. The legume is closely related to soybeans and so can carry Asian soybean rust, a threat to crops that has been spreading in southern states (see *Illinois Issues*, September 2005, page 8). But so far, all Illinois kudzu samples have tested negative for the rust.

The Illinois Department of Natural Resources and the University of Illinois Extension Center are working to raise awareness about kudzu and control its populations. Kudzu sightings can be reported to George Czapar at (217) 782-6515, or Jody Shimp at (618) 435-8138.

Vera Leopold

SUN POWER

Feds grant tax break for solar energy use

Beginning this month, tapping into the free energy supplied by the sun for electricity and hot water will become a little cheaper.

Illinoisans can take advantage of a federal tax credit for solar energy installations that will directly reduce tax bills, dollar for dollar. Many states offer their own tax credits and direct rebates as incentives to build the solar manufacturing industry. Illinois had suspended the program last year, but restructured it along the lines of the wind energy rebates that give incentives for production.

"We were leaving a lot of federal money on the table," says Hans Detweiler, deputy director of the energy and recycling bureau for the Illinois Department of Commerce and Economic Opportunity. He says now solar users can take advantage of both state and federal incentives.

Before the moratorium, the department provided funds for up to 50 percent of the cost of a photovoltaic or solar thermal energy installation, with a maximum rebate of \$10,000. A typical photovoltaic system costs about \$8 to \$10 per watt installed.

States with well-funded solar programs are able to bring in more business, says Mark Burger, an executive with Spire Solar Chicago and president of the Illinois Solar Energy Association. For example, Connecticut provides \$9 million for photovoltaic grants, which he says leverages \$30 million to \$40 million in solar energy business in that state.

Rep. Thomas Holbrook, chairman of the Illinois House Environment and Energy Committee, says his committee's members will look at reinstating solar credits as part of an overall consideration of this state's renewable energy program when the General Assembly meets later this month for the

spring session.

"We're looking at a renewable portfolio," says the Belleville Democrat. "We're continuing to push for that."

Until government leaders again authorize funding for state rebates and tax credits for solar installations, Illinoisans can look to the federal government. As part of last year's energy bill authorized by Congress, the federal law for the first time in 20 years offers individual homeowners a credit. It also increases tax credits for commercial solar installations.

Businesses can claim a tax credit equal to 30 percent of the equipment's cost, with no dollar limit on the credit.

Credits for homeowners come with more limits. A photovoltaic system — roof panels that collect sunlight and convert the energy to electricity — or a solar-powered hot water system for radiators, radiant floors and hot water heaters is eligible for a tax credit of 30 percent of the system's cost, up to \$2,000 per system. Homeowners can claim the federal credit on one or both installations. However, Congress drew the line at heating hot tubs or swimming pools. Also, the federal tax credit applies to the net cost of a system after any state rebates.

But sun users have to hurry. The \$14.5 billion energy package that gave out \$400 million for oil refineries, \$1 billion for oil and gas exploration costs, \$1 billion for gas distribution lines and \$1.6 billion for new coal technology set aside just \$52 million for solar tax breaks — and authorized them for just two years, until December 2007.

Beverley Scobell

Photograph courtesy of the U.S. Environmental Protection Agency

Field hosts Auschwitz photography exhibit

Reproductions of photographs chronicling the imprisonment of Jews in the Auschwitz-Birkenau concentration camp in Poland will be exhibited from January 27 until June 4 at Chicago's Field Museum.

The images in the exhibit, which is titled *The Auschwitz Album: The Story of a Transport*, were taken by Nazi SS officers in 1944 and discovered in a barracks cupboard by a prisoner at the Dora-Mittelbau concentration camp when it was liberated by Americans.

Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, assembled the exhibit to honor in January 2005 the 60th anniversary of the liberation of Auschwitz. More than 1 million died at that camp over the five years it operated.

The black-and-white photographs depict prisoners being unloaded from trains, people being picked to die in the gas chambers and preparation for the mass killings that began in 1942 to carry out Hitler's "Final Solution."

New late sticker fee generates millions

A law that took effect last January allowing fee collections for expired vehicle stickers generated \$4 million in seven months.

Though drivers have a 30-day grace period, 200,000 of the 8.5 million Illinois vehicle owners had to pay the \$20-per-sticker late fee.

Secretary of State Jesse White's office sends out reminder notices to drivers, but this year some of those did not get mailed out. White spokesman Randy Nehrt says that's because of a new U.S. Postal Service rule that all mail must have a valid address.

Nehrt says the secretary of state's office was neutral on the revenue-raising tool that was part of the 2005 budget bill.

HIV/AIDS center at UIC gets \$10 million grant

The University of Illinois at Chicago's Midwest AIDS Training and Education Center has been awarded a \$10 million grant as part of a seven-state education program for health care providers.

The grant money, provided by the U.S. Department of Health and Human Services, will be allocated over five years to locations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri and Wisconsin, mainly at universities.

"A major portion of our dollars ends up going out to our sites, to training, education and support of clinical care providers about HIV," says Barbara Schechtman, the center's executive director. "[The grant] will let us keep doing what we're doing, and maybe expand in some areas."

The center's continuing goal is to improve the quality of care for people with HIV/AIDS in the Midwest region by providing the service community with training and information. Several staff members at each site do program coordination and assessment, and the center also hires faculty and HIV experts to do the teaching, Schechtman says.

Each year, the Midwest Aids Training and Education center instructs more than 2,000 HIV clinical care providers.

Vera Leopold

QUOTABLE

“Oh, hell, new technologies kill so many ways of making a living.”

Novelist Kurt Vonnegut Jr. to the Chicago Sun-Times, which reported on the Chicago Tribune's plans to shut down the legendary City News Bureau at the end of 2005 because it was assisting the paper's Internet competitors. Vonnegut, a veteran of the 115-year-old news service, said about his reporting stint: "It was something to be proud of—like being in the infantry." The author said he had learned to be a tough guy at the bureau. "I'm sorry nobody can get a hash mark like that anymore."

Armadillos find their way across the big river

Researchers at Southern Illinois University at Carbondale say they have witnessed an inexplicable increase in sightings of armadillos, a species generally not seen in the heart of the nation.

"Armadillos are on the increase in Southern Illinois," said SIUC wildlife ecologist Clay Nielsen in a prepared release. "Their distribution has changed over time, like many species, and they seem to be moving north throughout their range. But it's an armored mammal, which is strange to see in the Midwest."

The upswing is a bit of a mystery.

"We're not entirely sure why or how they got here," says Nielsen, who works in the SIUC Cooperative Wildlife Research Laboratory, and is best known for his study into the apparent incursion of cougars in the Midwest.

Armadillo sightings in Illinois go back to the 1970s, but growing reports prompted the Illinois Natural History Survey to check in with nature enthusiasts. That survey, according to SIUC, turned up nearly 80 sightings over a four-year period, mainly in southern Illinois.

The long-nosed creature, which is native to South America and Central America, migrated north in the last few hundred years and was first seen in the United States in Texas in the 1880s. Nielsen says the species, which cannot create breeding populations where the average January temperature drops below 28 degrees, could find itself at home in southern Illinois, where they would find plenty of cover and insects for food.

Chicago campuses create Jewish/Muslim initiative

Two Chicago colleges have organized a one-of-a-kind program aimed at bringing together religious groups that have a history of discord: Jews and Muslims.

Sponsored by the University of Illinois at Chicago College of Liberal Arts and Sciences, the UIC Jewish Studies Program and Chicago-Kent College of Law's Institute for Law and the Humanities, the initiative will include a new course offering for students of the schools, a theater production and lectures open to the public. The goal is to foster understanding and dialogue between the Jewish and Muslim communities on campus and beyond.

The program is the first collaboration of its kind between Jews and Muslims at any university in the country, says Robyn Schiffman, associate director of the Jewish Studies Program at UIC.

"The initiative is long overdue. It's generating a tremendous amount of interest and inquiry from all over the Chicagoland area," she says.

Jewish studies and Islamic studies faculty

at UIC were interested in working together, and the downtown university has an ongoing relationship with nearby Chicago-Kent. It seemed a good place to begin a dialogue, says Samuel Fleischacker, professor of Jewish studies and philosophy at UIC and founder of the initiative.

"I have been concerned for some years now about the gap between Jews and Muslims," he says. "And it's an increasingly important thing to overcome, especially in the ways it has become relevant to international politics."

Akbar Ahmed, an anthropologist and professor of international relations at American University in Washington, D.C., gave two free public lectures on Jewish/Muslim dialogue in late November. The lecture at the UIC Student Center, the initiative's inaugural event, drew a crowd of more than 100 students and community members.

"There were receptions that followed each of the talks, and there were many students that came up to [Ahmed] just talking, talking, talking," Schiffman says.

Meanwhile, Schiffman says providing the new course is a way to reach out to

UIC's large Muslim student population.

The new course, "Judaism and Islam: Interactions and Intersections," will be co-taught by a visiting religious scholar, a UIC professor of Jewish studies and a Chicago-Kent professor of law. It will be available at both campuses for the spring 2006 semester.

Fleischacker says he hopes the course will be institutionalized: "Then every year we'd have scholars of Jewish studies coming to teach aspects of Islam and scholars of Islamic studies coming to teach aspects of Judaism. You'll have Jews and Muslims in the class together studying each other's traditions."

In addition to the professorship, a hip-hop theater performance will be co-sponsored by the initiative in the spring. Written by Jewish studies faculty member Rachel Havrelock, the play is titled *From Tel Aviv to Ramallah*. And a student group already has formed at UIC called JAMS, Jewish-Arab-Muslim Students.

Fleischacker says, "It's a start on a big issue."

Vera Leopold

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EMERGING WRITERS

Trio of Illinois poets win new state contest

Three Illinois poets recently won the inaugural Illinois Emerging Writers Competition, an annual program sponsored by the Illinois Center for the Book, the Illinois State Library and the Illinois secretary of state, who is the state librarian. Illinois Poet Laureate Kevin Stein was the final judge.

Winners of the contest, which was in the category of poetry this year, were Rosanna Lloyd of Chicago, Elliot Mandel of Glen Ellyn and Joseph Woods of Park Forest.

Excerpts from each follow:

Black Goes With Everything

... I got,

Langston Hughes shoes,

With a Nat King Cole sole,

And Stevie Wonder wingtips,

Redd Foxx socks,

And Paul Robeson pants,

Pressed with a Malcolm crease,

And Sidney Poitier pleats,

All held up with a Muhammad Ali Championship belt,

I got a Frederick Douglass dress shirt,

With Martin Luther King cufflinks,

And Belafonte buttons,

A Jackie Robinson jacket,

With Satchel Paige pockets,

A Bojangles bow tie,

And Coltrane coattails,

And when I feel,

like there ain't nothing I can't do,

I wear my Shaka Zulu zoot suit,

And as I take,

That slow soul stroll,

Down Countee Cullom's Heritage Avenue,

Spicy Grove,

Cinnamon Tree

With a solstice soul kiss,

My soul mate greets me. . .

Draped in a Dorothy Dandridge dress,

Made of Sarah Vaughn silk,

And Nancy Wilson satin,

Styling a Mahalia manicure,

Precious Lord Take My Hand,

and a Billie Holiday hairdo . . .

Joseph Woods

Summertime Trilogy

*... the air is heavy with particles of industry
the street bristles with mechanical flora
the ground is coated with
brazenly colored food packaging material
I haven't set foot off pavement for days
my bike wheels churn the debris beneath me and
a sudden wind pushes my hair to the side with the
heavy perfume
of the chocolate factory*

I turn my face into the wind

I breathe deep

some people call it ugly

I call it progress

*I want a fast train I want to call people while I'm on
it*

I want to buy shrunk heads on ebay

I want to see five movies at the same multiplex

I want to play dance dance revolution in between them

*I want the internet in my head a hard drive in my
temporal lobe . . .*

Rosanna Lloyd

in the middle of Nosomewhere

or

*on the road with the bradley university chorale,
spring tour 2002*

*... the regal hawk puffs out his chest
subtly poised in a tree's mid-march skeleton
surveying the vista, ruler of everything his eye pierces
unflinchingly oblivious to the concrete arteries
pumping people empowered by sedans.*

if the years did 75 down a lonely highway,

*this bus and those people we inaccurately dub "indians:"
("native americans" in a spasm of political correctness)*

a long ways back

as a matter of fact

we left 'em drunk off our dust.

*time and driving fade the silver spur motel into the rusty spur saloon
outside a colony of crumbling ranch shanties.
some were promised paint jobs, others knew they'd survive
without 'em.*

a grove of trees sprouts on the horizon

soon dusk will drive seamlessly into dark

and the grove will go with it . . .

Elliot Mandel



A case Attorney General Lisa Madigan successfully argued before the U.S. Supreme Court in 2004 is again before the state high court.

Rights review

This state's high court is reconsidering a search-and-seizure dispute settled by the U.S. Supreme Court. The outcome may determine whether Illinoisans have greater protections than citizens in other states

by Daniel C. Vock

Photographs courtesy of the Illinois attorney general's office

When he was stopped on the shoulder of I-80 in LaSalle County seven years ago, Roy Caballes was no different from thousands of drivers pulled over for speeding every year. Caballes, caught driving 71 mph in a 65-mph zone, was about to get off with a written warning. But what happened next transformed Caballes into the central character in an ongoing legal saga that could shape the rights of Illinois citizens, alter state judges'

relationship with their federal counterparts and restrict Illinois police from using controversial tools to do their jobs.

As the trooper who pulled Caballes over filled out paperwork, another squad car showed up. Within minutes, the new officer trotted a police dog around Caballes' car. The dog alerted the officers to the presence of drugs, and they found roughly \$250,000 worth of marijuana in Caballes' trunk.

The legal wrangling in the case that reached all the way to the U.S. Supreme Court still isn't finished.

Caballes lost his attempts to suppress the evidence in front of a trial judge and an Elgin-based reviewing court. But a sharply divided Illinois Supreme Court ruled in 2003 that the police could not rely on a "vague suspicion" to order a dog sniff. The nation's high court reversed that ruling in January 2005,

***“Why should the people
of the other 49 states
care if Illinois wishes
to restrict the actions
of the Illinois government?”***

finding that the officers complied with the Fourth Amendment.

Normally, that would have been the end of the road for Caballes in his attempts to keep the pot from being used as evidence in the case. But his lawyers convinced the Illinois court to take a second look at the case because, they pointed out, Caballes originally argued that the dog sniff violated the Illinois Constitution, not the Fourth Amendment.

The Illinois Supreme Court has the final say on what the state charter means. The only reason the nation’s high court could review Caballes’ case in the first place was because the state judges didn’t specify whether the sniff was “unconstitutional” under the state or federal constitutions. Now that they’re taking a second look at the case, the state judges must ponder whether to give residents of Illinois more protections from police searches and seizures than residents in most other parts of the country enjoy.

Caballes’ case is the latest to stoke the flames in a long-simmering debate over how muscular the Illinois Constitution’s Bill of Rights is compared to its federal counterpart.

To Dawn Clark Netsch, who served as a delegate to the 1970 Constitutional Convention, Caballes’ case presents the Illinois Supreme Court with an opportunity to make the state charter a “living, breathing document, not just a shadow of the U.S. Constitution.”

Ann Lousin, a research assistant at the convention and now a professor at

John Marshall Law School, is adamant that the “entire Bill of Rights was the Illinois Bill of Rights,” completely separate from the federal Bill of Rights.

But to Solicitor General Gary Feinerman, who argued the latest appeal before the Illinois high court, unmooring Illinois law from federal rulings would needlessly raise doubts about all sorts of interactions between police and citizens.

Police, judges and lawyers already know the rules concerning the Fourth Amendment, but nobody knows what could pass muster if the court created new rules under the Illinois Constitution, he explains.

At a reunion of the convention’s participants in October, Lousin disputed that argument.

“Why should the people of the other 49 states care if Illinois wishes to restrict the actions of the Illinois government?” she asked. “It dismays me that the attorneys general of Illinois and the Supreme Court of Illinois have embraced the ‘lockstep’ view and have declined to create a separate jurisprudence for Illinois.”

In any event, Caballes faces an uphill battle in his latest appeal to the state Supreme Court. For him to win, the justices must overturn 20 years’ worth of cases in which they have decided that, when it comes to searches and seizures, the two bills of rights are identical.

But defense attorneys point to a handful of cases where the court strayed from federal interpretations in an effort to show the justices that the state and federal courts aren’t in sync as prosecutors claim.

They’ve also noted that, since the Illinois high court adopted the so-called “lockstep doctrine,” the U.S. Supreme Court explicitly overruled the Illinois courts in a number of search-and-seizure cases, including Caballes’.

By one count, the U.S. Supreme Court considered 10 search-and-seizure disputes in which Illinois courts sided with defendants in the last 25 years. Of those 10 cases, John Marshall Law School Professor Timothy P. O’Neill recounted in a study released in May, the federal court sided with the government in every one. Each time, of course, it overturned an Illinois reviewing court to do so.

Furthermore, the 1984 Illinois Supreme Court decision that first

announced the lockstep doctrine was a messy affair. Four of the court’s seven justices weighed in separately in the 5-2 decision. Their writing shows that the question cut to the heart of their judicial philosophies. The majority looked at the Illinois Constitution as if it were stuck in 1970 when it was drafted. The dissenters wanted to recognize the charter as a “living document” that could adapt to new technologies and new developments.

In recent years, search-and-seizure cases have continued to produce narrow and often contentious results on the Illinois court. Caballes’ case came down to a 4-3 split, and one of the members of the original majority is no longer on the court.

In fact, the Illinois high court’s decision regarding Caballes followed a similarly charged dog sniff case that also ended in a 4-3 decision for the defense. The same fault lines emerged when the court ruled police could not run a background check on a passenger in a car whose driver had been arrested for drunken driving.

And the same split occurred when the court tossed out the conviction of a man who nearly ran over a police officer at a roadblock because, it found, the roadblock was illegal. The U.S. Supreme Court later overturned that decision.

The state Constitution can only give citizens more rights, not fewer, than the federal charter, so police cannot gain more search-and-seizure authority without the U.S. Supreme Court’s approval. If, however, the Illinois court departs company from the more police-friendly U.S. Supreme Court on this issue, it could mean that Illinois police officers would have to operate under more stringent rules than they do now.

At the root of the controversy are similar, but not identical, provisions in the state and federal constitutions.

The Fourth Amendment of the U.S. Constitution ensures that the “right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.”

By comparison, the Bill of Rights in the Illinois Constitution states that the “people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy

Supreme Court to weigh state government issues

One of the highlights for Illinois of the last U.S. Supreme Court term was that Attorney General Lisa Madigan argued for the prosecution in *Illinois v. Caballes* in November 2004. She secured a victory when the justices ruled, in a 6-2 decision, that Illinois police acted properly when using a dog sniff during a routine traffic stop.

This year, the state of Illinois is not directly involved in any cases on the high court's docket, but there are a number that could affect state governments, including Illinois'.

Topping the list is a dispute over tax breaks Ohio gave to DaimlerChrysler to expand a Toledo factory instead of shutting it down. A federal appeals court determined that the breaks were illegal after taxpayers in Michigan and Ohio complained they violated Congress' exclusive authority to regulate interstate commerce.

The high court also will pick up where it left off on states' responsibilities under the Americans with Disabilities Act to provide handicapped-accessible facilities.

Previously, the justices sidestepped the issue by ruling that a Tennessee courthouse with courtrooms accessible only by stairs violated litigants' constitutional rights, though not necessarily the ADA.

Now, however, the justices are confronted with the case of a paraplegic Georgia prisoner contesting his placement in a cell where, he claims, he can't use the toilet or turn around in his wheelchair.

Meanwhile, another dispute will give the justices the opportunity to determine whether Arkansas can pursue a personal injury award received by a Medicaid recipient. Arkansas wants the money to cover medical expenses it paid following the car accident that led to her award.



Illinois Attorney General Lisa Madigan addressed reporters after arguing for the prosecution before the U.S. Supreme Court in Illinois v. Caballes.

Daniel C. Vock

or interceptions of communications by eavesdropping devices or other means.”

The framers of the 1970 Constitution discussed at length the two features that clearly distinguish the two — the protections against eavesdropping and the prohibition on invasions of privacy — but they didn't much talk about the search-and-seizure language.

One of the stickier points in *Caballes*' appeal is which of those three provisions are at play.

Clearly, the search-and-seizure clause would apply. What exactly it means — and who gets to decide that — is at the heart of the lockstep controversy.

But the ill-defined “privacy” provision also could affect the court's decision.

At the convention, delegates explained that the privacy protections would prevent state and local governments from amassing information from private databases about ordinary citizens and bar cops from shadowing people too closely.

Two decades after Con-Con, however, the Illinois court ruled that the privacy

“There’s no question in my mind that we were writing our own Constitution. We were doing things that would not be embedded in the U.S. Constitution.”

clause shielded criminal suspects in situations where the Fourth Amendment didn’t. In that 1992 case, the court decided that a Will County grand jury could not force two men who had not been charged to submit blood samples or head and pubic hair combings without the grand jury showing good reasons, or “probable cause,” for considering them to be suspects.

Caballes’ lawyers need to convince the court that one or both of those provisions mean that Illinois law goes beyond federal rules. Then, to win, they have to show that the dog sniff violated state standards.

For many who are fighting the lockstep approach, though, the important thing is that the court recognizes the Illinois Constitution does, indeed, protect more rights than the federal Bill of Rights.

Netsch, who teaches constitutional law at Northwestern University after a career in politics, acknowledges that delegates at the 1970 convention didn’t spend a lot of time thinking about the search-and-seizure provision. But she insists they never wanted to rely on federal courts to define the rights of Illinois citizens.

“There’s no question in my mind that we were writing our own Constitution. We were doing things that would not be embedded in the U.S. Constitution,” she says, pointing to the privacy right and a guarantee that men and women would be treated equally by state and local governments.

The defense lawyers representing Caballes also highlight work the delegates did in other areas of the Bill of Rights to show that the framers deliberately crafted a document designed to stand on its own.

But Feinerman, the solicitor general, sees it differently. Though he acknowledges that the delegates parted ways with the federal standards on several key issues, he stresses that the delegates knew Illinois courts had viewed the search-and-seizure provisions of the old state charter as identical to the Fourth Amendment.

The framers definitely knew how to distinguish their work from the federal Bill of Rights, but they made no effort to do so when it came to the search-and-seizure language, Feinerman argues.

Furthermore, he points to the comments of delegate John Dvorak, who explained Article I, Section 6, to the convention, to show that the assembly wanted to leave the search-and-seizure law as is.

“There is nothing new or no new concepts,” Dvorak said, “that the Bill of Rights Committee intended to provide insofar only as the search and seizure section — or the search and seizure concept — is concerned if, in fact, we break it down into three concepts ... as I originally stated.”

In some ways, though, the difference between Feinerman’s and Netsch’s approaches is more fundamental than what, they claim, was on the delegates’ minds 35 years ago. The two also have different takes on what the role of the Supreme Court should be when dealing with the state charter.

“The question of whether it’s good policy or not is not really how courts decide cases like this,” Feinerman says of the justices weighing the merits of the lockstep doctrine. “The question is what the framers of the Constitution intended.”

He adds, “As irrelevant as it is, it’s good policy.”

Netsch, perhaps reflecting the fact that she’s not directly involved in the case, dwells on the court’s role in preserving state power in a federal system. By simply attributing its decisions to its take on the state charter instead of the U.S. Constitution, the Illinois high court could avoid ceding its power to

Washington, D.C., she says.

“If you believe in state sovereignty, then, for heaven’s sake, attribute it to that sacred document,” the Illinois Constitution, she urges state judges.

At a November hearing in Caballes’ case, Chief Justice Robert Thomas wondered aloud whether it would be appropriate to abandon the lockstep doctrine just to avoid reversal by a higher court.

“If this court disagrees and thinks this is exactly what the framers intended, that we would follow lockstep, then, if we were to deviate from that in this case, it appears that we have deviated only to get around a U.S. Supreme Court case that has found differently than this court would then find,” he said.

Since joining the high court in 2000, Thomas has twice been vindicated by decisions of the U.S. Supreme Court in search-and-seizure cases. He dissented from the court’s original decision regarding Caballes and the decision in the roadblock dispute, both of which the federal court overturned.

One of Thomas’ frequent allies in the Fourth Amendment cases, though, raised the possibility that the state could preserve its authority while still allowing prosecutors to use the evidence against Caballes.

“It is entirely possible, I would think, to recognize an expanded right for citizens in search-and-seizure cases based upon the right to privacy clause of the Illinois Constitution and at the same time find that the conduct here did not violate that right,” said Justice Thomas Fitzgerald.

And, as another indicator that the justices are seriously contemplating a move toward more independence, Justice Charles Freeman, normally a stickler for making sure the high court follows its own precedents, noted that a New Mexico court reversed course on exactly the same issue.

“If we decide at this point,” he said, “that we would come down on the side of the citizens of Illinois in privacy issues, we could do that.” □

Daniel C. Vock, a reporter for Washington, D.C.-based Stateline.org and a former Illinois Statehouse bureau chief for the Chicago Daily Law Bulletin, is a frequent contributor to Illinois Issues.

Leaders rising

Neither Christine Radogno nor Susana Mendoza intended to go into politics. Yet these state lawmakers show natural political savvy

by Christopher Wills

Photograph by Jay Barnard, courtesy of the Illinois Senate Press Office



State Sen. Christine Radogno, a Lemont Republican, is a key GOP budget negotiator.

Throughout the year, Illinois Issues will publish occasional mini-profiles of some of the state's rising public officials. These are the first two.

All Christine Radogno wanted was to prevent a fire station from opening on her quiet residential street. The next thing she knew, 25 years had passed and she's a state senator wading through the details of health care and budget deficits.

The Lemont Republican sounds like an innocent bystander caught up by circumstances when she describes her

political career. "I still am surprised I'm here," she says. "It's not something I ever thought I would be doing."

But she has blended brains, legislative skill and PR abilities to become, in essence, the Senate Republicans' voice on budget issues and a potential candidate for higher office.

"She is a great person. I think Chris is exactly the kind of leadership that not just the Republican Party but the entire General Assembly should be excited about," says Sen. Steve Rauschenberger of Elgin, who has been the Senate GOP's

chief budget negotiator for a decade. "I find myself learning from Chris because she has such a fresh perspective."

Radogno got into politics when she ran for the La Grange Village Board to fight the fire station. She says, "It was a total [not in my back yard] thing."

A few years later, she was asked to run for the Illinois House. She declined because of her young children, but she says the offer got her thinking. Those thoughts turned to action later when she grew dissatisfied with the performance of state Sen. Robert Raica, a Chicago

"It quickly became apparent to me that most policy is driven by the budget, rather than the other way around."

Republican. She beat him in the 1996 primary and then won the general election.

Since then, she has tackled a wide range of issues, from local (road projects and troublesome landfills) to statewide (requiring hospitals to offer emergency contraception to rape victims).

Trained as a social worker, Radogno took an interest in health and human services. She has pushed to move the state toward community care of the mentally ill and developmentally disabled, rather than institutionalization. She has advocated managed care to control costs in state health programs.

Radogno says she soon realized that getting things done in Springfield would require getting to know the state budget.

"It quickly became apparent to me that most policy is driven by the budget, rather than the other way around," she says. "The fact of the matter is, there is just a certain amount of money to go around. The budgeting process is a lot of needs competing against each other."

When the Senate's Republican leader, Frank Watson of Greenville, wanted someone to join Rauschenberger in handling the budget, he turned to Radogno.

"They made a good selection when they chose Chris Radogno," says Sen. Donne Trotter, who oversees budget matters in the Senate Democratic caucus. "She knows how to discuss things; she does not have tunnel vision."

"She's not a push-over," he adds, noting that Radogno defeated fellow Republican Sen. William Mahar in 2002 after the two were placed in the same district by legislative redistricting.

Radogno threw herself into learning the budget. Radogno and Rauschenberger jointly represented the caucus in negotiations. When Rauschenberger ran for the U.S. Senate two years ago, he ceded to Radogno most of the public duties of arguing the caucus' positions. She stepped forward to speak to editorial boards and present proposals at news conferences.

She has often found herself arguing against new programs — the governor's All Kids health insurance plan, for instance, or a requirement that schools and gyms buy life-saving portable defibrillators.

Rauschenberger says she has been

able to do that without perpetuating stereotypes of hard-hearted Republicans, and Trotter agrees. He praises Radogno for understanding the state's obligations to the needy and helping push other Republicans to meet those obligations.

"She's been a very strong voice," Trotter says. "Chris believes in building partnerships."

Radogno says she also has been able to speak out against Democratic Gov. Rod Blagojevich without alienating Senate Democrats. In part, that's because she avoids making issues personal. And in part, she says, that's because many Senate Democrats share her concerns about the Blagojevich Administration.

Radogno supports abortion rights but backs some restrictions, such as parental notification. She tends to oppose gun control measures. Her mix of personality and political views has made her a potential candidate for higher office. She opted against a run for lieutenant governor, but after Judy Baar Topinka announced plans to seek the governor's office, Radogno decided to run for treasurer, the office Topinka has held for the last decade.

By the way, the fire station that Radogno wanted to keep off her street? It was never built.

Susana Mendoza once escaped a near-riot in a foreign land and emerged with a new buddy. It was a lot like working in the Illinois House.

In the middle of her third term, Mendoza has built a reputation as someone who doesn't lose her calm, or her enthusiasm, amid the chaos of the House floor. Her energy and informal style — words like "totally" and "wow" often pop up in her conversations — have helped her build friendships with lawmakers from both parties.

And she's done it while pushing serious legislation, particularly tough-on-crime measures such as a requirement that anyone arrested for a felony submit a DNA sample to be kept on file.

Her foreign adventure came two summers ago, when Mendoza and Minnesota lawmaker Erik Paulsen were touring Brazil to discuss American democracy and politics under the auspices of the U.S. State Department.



State Rep. Susana Mendoza, a Chicago Democrat, has emphasized legislation dealing with crime during her tenure as a lawmaker.

An appearance at the University of Rio de Janeiro turned ugly. The crowd of students grew increasingly rowdy, yelling and threatening the pair with fake anthrax. With no guards to calm the crowd, Mendoza and Paulsen eventually decided the smart move was to leave.

They fled, running and stumbling to a nearby van with the crowd at their heels. When the van's engine died, the crowd — some of them masked — surrounded the vehicle, pounding it and smashing at least one window before the driver could get it re-started and escape.

Now the Chicago Democrat and Minnesota Republican keep in touch and share legislative ideas. Paulsen got a version of Mendoza's DNA-sample legislation approved, and she is looking into his idea about tax breaks for living organ donors.

"I was really impressed with Susana. It was really easy for us to get along and discuss things civilly," Paulsen says. "She's definitely a real fireball."

Mendoza says she never wanted to be

a politician. In fact, she grew up in an immigrant household where politicians were held in low regard. But after college (she went to Northeast Missouri State on a soccer and academic scholarship), she volunteered to help Ray Frias' campaign for Chicago alderman and ended up as his press secretary after he was elected.

Eventually, Frias suggested Mendoza run for the Illinois House. She did, and lost by 55 votes. Mendoza says she was crushed and "pouted like a baby" until Frias accused her of being a quitter. Then she decided she had tried as hard as she possibly could and had nothing to be ashamed of.

She resolved to try again — starting at that moment. "I went right back into it. I basically campaigned for two years."

This time, she won and immediately began targeting criminals.

In her first session, as Gov. George Ryan was calling attention to problems with capital punishment, Mendoza succeeded in getting legislation passed

that expanded the death penalty to cover any killing related to gang activity.

That bill was vetoed, but Mendoza has continued her emphasis on crime. She got legislation passed to eliminate the three-year statute of limitations for prosecuting drivers in hit-and-run accidents. She sponsored the DNA-sample bill and got a \$250,000 grant out of the Blagojevich Administration for CeaseFire, the anti-gang program in her district.

Mendoza says her strong feelings about crime reach back to her childhood, when gang problems in her Chicago neighborhood led her family to move to the suburbs. "We were basically run out of our neighborhood," she says.

While expressing concern about problems that contribute to crime, Mendoza chooses to concentrate on protecting victims and punishing criminals. "I don't want to spend my time focusing on the reasons why that individual pulled the trigger."

Crime hasn't been her only concern, however. Mendoza has sponsored legislation promoting stem-cell research, requiring more schools to offer breakfast programs and giving people who obtain payday loans a way to improve their credit scores.

Mendoza also has a goofy side that she doesn't try to disguise.

She talks about criminals crossing over to the dark side and then mocks herself for using "a cheesy cliché from Star Wars." When she reads a newspaper column declaring "Sweet Home Alabama" the greatest rock song of all time, she writes in and argues: "Great song ... yes. Greatest rock and roll song of all time ... no way. Thought it my civic duty to bring this to your attention."

Lawmakers of both parties say Mendoza's fun-loving style makes her an effective advocate for the needs of her district.

"She has been very, very important in communicating the concerns of our community to people who otherwise wouldn't have a clue," says her seatmate, Rep. Dan Burke, a Chicago Democrat. "She's certainly young enough and energetic enough and has the sophistication to launch a campaign for higher office. ... The political world is her oyster." □

Christopher Wills is the Statehouse bureau chief of The Associated Press.

AT CITY'S EDGE

Photographs of the Chicago Lakefront

Bob Thall

Center for American Places in association with Columbia College Chicago
2005

Photographer Bob Thall grew up in Chicago, playing in the sand of the Lake Michigan beach. In winter, he and friends rode bikes across the frozen brown expanse. In summer, he felt the sand between his toes when he ran out into the lake. As an adult, he viewed the lakefront from his office at Columbia College, where he is chairman of the photography department. A longtime visual chronicler of the city's gritty social and architectural landscape, Thall writes in the afterword to *At City's Edge* that for many years he dismissed the lakefront as a photographic subject because it was too perfect. But, in 2000, when he aimed his lens at the lakefront, he noticed that it, too, had grit. His latest book of photographs depicts a landscape that, particularly in winter, evokes a chilling sense of solitude. □



Near Montrose Avenue



Another perspective near Montrose



Near 65th Street



At South Shore Country Club



Near Jackson Park



Near 100th Street



Near Touhy Avenue



Montrose Pier



Near Howard Street



Near Rogers Avenue



Near Montrose Avenue

NEW YEAR'S REVOLUTIONS?

It's time to mull over a few radical proposals as we head into the new political season

LET CHILDREN VOTE

Kids' futures are shaped by today's political wisdom or folly

by Jack R. Van Der Slik

The idea is pretty simple, but the more I mull it over, the more compelling I think it is. Every American should have the right to vote in every election. That doesn't sound too radical, does it? Of course, it was too radical for our Founding Fathers, whose republican liberalism at the time of the Revolution extended the vote to most landowning white adult males. But we have come a long way since then. What I'm pressing for is that we Americans again enlarge our notion about what democracy means.

My impetus for this argument was Pat Guinane's dreary October report in *Illinois Issues* about the state's "Crumbling commitments" to schools and education funding. Yes, there is a resource problem. But more than that, school funding is a political problem that requires a political solution.

Here comes the radical part of my proposal. "Every American" in my formulation includes children. All children. I want kids to have the right to vote in public elections at all levels. They should be registered to vote when their birth is registered. Kids' votes should weigh equally with the votes of all other voters.

How would the actual voting work? Obviously 2-year-olds can't read the

ballot or evaluate the candidates. Each child's parents or guardians should exercise a proxy in that child's behalf. Like other voters, the child should show up to vote. Let's not set any hard and fast rules about when the child actually touches the screen or checks the boxes in his or her own behalf. Perennially, parents have made up their minds differently in response to their child's words, "Daddy, I want to do it myself." Before I offer my



rationale, let me describe where I am coming from. My career was spent teaching kids from junior high to graduate school about citizenship, government and politics. For a long time, I naively believed that through more and better education society would inevitably produce a more active and enlightened citizenry. Sadly, I got over that. But I continue to believe that citizen participation is the most basic requirement for effective democracy. In fact, our society needs citizens who participate, like some colorful Chicagoans, early and often. The best chance for

learning participation comes in childhood, and the most effective models are the people who nurture them.

There are many variables in American life that help account for who votes, who doesn't and why they make the choices they do. Unfortunately, despite many efforts to facilitate voting, voter participation continues to decline. I'll say more about that in a moment.

Back to my proposal. What merits, if any, does this idea have? First, the children of American parents are citizens. Like older citizens, or maybe even more so, they have stakes in day-to-day life. If elected officials and their policy choices make a difference (and certainly they do), then they make a difference for our diminutive citizens, too. Our kids' future rights and obligations are shaped by today's political wisdom and folly.

Second, this is a "family-friendly" proposal. I need not list the many pressures that families must contend with these days. Mom and dad or, tougher, one parent alone must struggle with the burdens of child care, work and pressures from our contemporary 24/7 culture. What are the family's resources to oppose the marriage penalty, fight for good schools and resist the encroachments of mass culture? Their modest resources include their votes. Why shouldn't a family of two parents and two children be entitled to four votes? With four children, six votes? Won't our pandering politicians seek to be more appealing to those vote-enhanced families? Of course they will. That's a key

part of this proposal's charm.

Third, consider the matter of voting turnout. It is well known that nine out of 10 high-income families vote in presidential elections but only half of those in families with incomes below \$15,000 reported voting. One reasonable inference is that high-income families have the incentive to vote to protect their resources. When are the resources of more modest families most stressed? When there are children present in the home — dependents, we call them. But what would be the consequence of multiplying the political resources of such families?

Would that not stimulate participation, especially voting participation? It would not likely change behavior in high-income families. Ninety percent of them and their children would vote. But in the strata where fewer are participating presently, would the power of more votes motivate greater participation? I am convinced that it would.

Fourth, this arrangement will help society communicate to our young people a sense of how valuable they are. I've been around long enough to remember the arguments about reducing the voting age from 21 to 18. One of the unmet hopes attached to that reform was that these young people (old enough to fight; certainly old enough to vote) would connect with the body politic. It turns out that their rates of voting are very disappointing. When do kids begin to feel attached? When they are young. Preteens love their schools, their president and their favorite baseball teams. That is a sensible time for them to fully exercise the vote that their parents have been casting in their behalf.

Some critics will carp that kids will simply vote the way their parents do. A century ago that same knock was applied when women wanted to vote. There is no problem here. Children live in the same house, go to the same church and suffer from or prosper in the same economic ups

and downs that their parents do. So what if their votes are alike?

While this reform would produce good consequences, I don't think it has a partisan bias. Were it in effect in 2000, our closest presidential outcome in a generation, I doubt that either party would have benefited at the expense of the other. The prospects in coming statewide contests are no different.

However, I do think it would slant outcomes in particular situations, precisely those where family friendly issues are at stake. Indeed, in education policy, school elections and tax referenda there may well be a shift in

outcomes. How many times have we heard of school elections or local referenda where those without kids in school voted to defeat change or resisted property tax increases? What about Illinois legislative elections, when control of the House and Senate hangs on the outcomes for a few closely contested seats?

Consider what has happened in Illinois since 2003. Millions were promised for school construction, but the account went dry. When the economy took a hit, state revenues took a dip. So, amidst partisan wrangling, the governor and lawmakers deferred spending on promised school buildings. Why do adult legislators bash kids' programs first? One reason is that kids can't vote.

Illinoisans want to believe that our state is governed fairly because our system is democratic. But our electoral rules of the game disenfranchise our most defenseless citizens. That systemic bias ought to be redressed. My proposal strikes a blow for fairness to our children.

The history of our democracy records that we have improved governmental responsiveness by enlarging voting rights. Let's take the next step. □

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MOTHER NATURE LIVES *Hurricane Katrina should revive environmentalism*

by Robert Kuhn McGregor

Some time last winter, I began reading newspaper stories about the death of the environmental movement. Earth Day, the Age of Ecology, Save the Whales — that scene has gone stale. No one cares anymore. After 40-some years of hand-wringing, the environmental issue has played itself out. I can only breathe a long sigh of relief.

The whole notion has grown tiresome. Every morning, up with the sunrise, eyeing people's trash, worrying about toxics, worrying about recycling. Every night, studying that book about the 101 things I can do to save the earth, figuring out which ones I had skipped that day. Driving past the local lake, imagining the witches' brew of atrazine and nitrates foaming beneath the surface. Watching the power station pump another plume of sulfur-laden smoke into the upper atmosphere, silently praying the particulates were sufficiently scrubbed. Global warming, acid rain, mercury poisoning, endangered species, goby fish. Enough is enough.

At last I can breathe deep and free — free of concern, free of guilt. My family newspaper has pointed the way. Environmentalism is dead.

Worst of all had to be those everlasting predictions of impending disaster. Mother Nature's revenge. California was about to fall into the sea. The Clinton nuclear power station was about to let loose a lethal cloud of radioactive gas. The landfills were filled. The petroleum was running dry. A major hurricane was going to drown some unsuspecting city somewhere along the coast. ...

Oh, yes. That last one was spot on after all, wasn't it? For a while there in August and September, the environment wiped the smug smiles straight off our kissers, sending us an honest-to-God killer hurricane, an environmentalist's nightmare. Fantasies to the contrary, Mother Nature is not licked yet. Turns out we can't reshape a nation's coastline to enrich real estate agents' pockets without paying a price. Environmentalism may



need resuscitation, but the environment, the elemental presence of nature, is a long way from moribund.

Most weather scientists are steadfast in insisting that the past summer's monster hurricanes were not the result of global warming. Maybe so, but that only suggests that climate behavior is even more complicated than anybody — including all those gloom and doom environmentalists — suspected. Hurricane activity is cyclical, so the story goes now. Before Katrina and Wilma, all the most powerful hurricanes were back in the 1930s or earlier. I guess what those scientists are trying to suggest is that these storms were not the fault of human meddling with the environment. A wise thing to say, if you are a scientist working for the federal government.

Even if the Category Four and Category Five hurricanes are products of an inevitable and natural cycle, it does not excuse the human hubris that has destroyed 90,000 square miles of Gulf Coast environment. Nature is neither fooled nor impressed. Since the 1960s, in the name of more efficient petroleum pipelines and larger real estate acreages, we have systematically obliterated Mississippi Delta wetlands — 25 square miles every year. Barrier islands off the Gulf Coast are disappearing at the rate of 30 square miles a year. Used to be, those wetlands and those islands were a natural hurricane defense, scrubbing speed off winds, absorbing the deadly wall of water we all now know as the storm surge. Engineers estimate that every linear mile of wetland can cut the height of a surge by three inches. We can do the math. How much lower would the surge striking New Orleans have been if the wetlands had been left alone? For my part, I cannot help but wonder why the engineers did not mind those calculations before they started digging their canals.

Decision-makers hedged their bets, of course. If we remove the wetlands to fill our pockets, we'd better invest some of the profit in protecting New Orleans. After all, folks had already made another tidy profit draining the backswamp, the low-lying, marshy areas set close to the heart of the older city — one more natural sponge sacrificed to mammon. With that backswamp gone, living parts of New Orleans sank eight feet or more below sea level. Faced with this incongruity, engineers



Two weeks after Hurricane Katrina's deluge overwhelmed the levees that were erected to protect New Orleans from flooding, parts of the city remained virtually buried under tainted water.

built a wall, comprised of earthen levees and concrete seawalls, sufficient to withstand the impact of a Category Three storm surge. New Orleans was lucky. The Category Four Katrina could easily have been a Five, and the eye could have passed directly through the city. As it was, only 80 percent of the town was flooded out.

But even this tale of greed and stupidity obscures the depth of our disbelief in nature's strength. Truth is, the engineers, who have been as busy as beavers since the late 19th century, straightening the Mississippi River, deepening its channel, plugging up its escape routes, have shaped the watery horror story that is the modern delta. Most of the billions of gallons that flooded New Orleans came from Lake Pontchartrain, the bloated body of water to the north of the city, perpetually swollen with Mississippi overspill that had no place else to go. In the name of navigation, allow us to take one of the most strategically located of all American cities, sink it below sea level, surround it with water and strip away all the wetland protection. Nature doesn't live there anymore.

Environmentalism, even on its deathbed, is not really about engineering or science, understand. Engineers make convenient scapegoats, but the fact is they could not have begun to create such a disaster zone if we had not desired it,

willed it to happen. The essence of our culture — the faith in technology and blind progress, the go-ahead mentality, the bigger hammer approach — has fed a ruthless disregard for nature and its potentials.

The modern Gulf Coast is wholly our creation, a lucrative little sculpture shaped to a vision in which natural forces have no place. This is the assumption that has always troubled the environmentalists.

Despite all the babble about ecological cycles and webs, environmentalism has always been about people, the belief that to live happy and healthy, the best plan is to understand nature and try to get along. When Katrina struck, we relearned a lot about human beings living in a natural world. Eighty percent of New Orleans got away in their gas-guzzling vehicles, leaving the remainder to their own devices. Defenseless against an onslaught of unknown dimensions, they exhibited the range of all that is possible in human expression. Watching the scenes unfold in our living rooms, we couldn't help but think we would be no different. We would be brave; we would be craven. We would be hopeful heroes, stubborn and desperate victims. Nature, so often a pleasant summer's day, can easily become a scythe, separating us from the security of all that is warm and comfortable. If there is a lesson in Katrina, a lesson to be found in the natural world, this has to be it. Nature



A week after Hurricane Katrina, much of New Orleans remained inaccessible.

offers no guarantees.

For the moment at least, we have found religion. Our nation's civic leaders have gotten out their maps. Some of them have even dredged out those old apocalyptic environmental manifestos that scream of disasters to come. We failed miserably at every level in dealing with Katrina and its aftermath, so now we must prepare ourselves. When (not if) the next disaster strikes, faithful public servants will dispatch food and rescue missions with speed and empathy. Even as I write, city mothers and fathers are imagining, preparing, planning. From Boston to Houston, coastal cities are closing the barn door, digging in to face the next hurricane. St. Louis has one eye on the New Madrid Fault Zone, thinking about earthquakes. Chicago is carefully monitoring Lake Michigan, keeping a weather watch for typhoons. Salt Lake City is on the lookout for returning plagues of grasshoppers. We will all sleep better for this eternal vigilance. The commitment should last another year or two, anyway.

And in the meanwhile, what about the environment? Katrina has whacked us, enough to make us aware of the potential for sudden and deadly environmental disaster. Hurricanes and earthquakes and tornadoes are sobering, but they are obvious. What about the less-than-obvious, the steady drip of pollutants and

toxics that slowly but steadily poison our world? It is not as if the hurricane or the federal government or business-as-always has brought a stop to any of that. The air still thickens and the water turns funny colors, but environmentalism is dead. People have worked themselves into a frame of mind where they just do not want to hear about it anymore. Let us shoot the messenger.

Who wants to hear again the eternal litany of unnamed blobs that fester and ooze, that throw off a miasma that would drive a buzzard off a garbage scow? Back in the 1960s, rivers used to catch fire, and a Great Lake almost died. We righted those wrongs, restored maybe two-thirds of our fresh water to honest freshness. And we haven't really accomplished a thing since. Laden with "non-point" agricultural runoff, with chemicals and industrial waste, with our own sewage, the remaining one-third of our water refuses to scour. Instead, the problem spreads painfully day by day, threatening to undo the cleanup we have worked so hard to accomplish.

And there is less and less water to be clean. Thank God we have no global warming in this country — we just have the symptoms. More hurricanes, hotter and drier summers, less water to fill greater and greater demands. This summer Illinois experienced significantly reduced rainfall. Rural folks are telling me wells

are going dry or giving off peculiar odors. I have heard whispers about the state's diminishing underground rivers, but I would not want to repeat them. No one wants to be an environmental alarmist anymore.

All I need is the air that I breathe. I do wish there was something to be said about that. American asthma rates continue to rise steadily, along with lung cancers and other respiratory diseases, despite a slow but steady drop in tobacco smoking. A few years ago, Congress passed a wholly inadequate Clean Air Act, a law that sold out America's breathing to the power industry, among others. Now they want to gut that act. Too economically restrictive. I suppose the proposition is true enough. Remove the clean air protections and at least the health industry will make a killing.

How easy it would be to multiply examples. While we worry about the next hurricane, the next plague of insects, the habits of everyday existence inexorably weaken our house. The once simple acts of growing our food, healing our ills, sheltering our children have acquired some painfully exorbitant price tags. Nitrates and atrazine drain into manmade lakes, pharmaceutical companies dump their excess into handy rivers, energy costs spiral as we dig deeper to power houses and cars far too big for our needs. Illinois lies at the heart of a wonderful world. Every day is a new adventure. A breath of air and a drink of water have become a death-defying ride.

I hear they are planning to rebuild New Orleans — with stronger, higher seawalls, new and improved levees. The initial price is \$60 billion or so that our grandchildren will have to pay. But New Orleans is important. Maybe the reconstruction is a bit like setting the patient's broken arm while he slowly bleeds to death, but we shouldn't worry about metaphors like that. At the very least, we will no longer face the constant whining as we slowly diminish the air we breathe, the water we drink. Environmentalism is dead. I read it in the newspapers. Nine out of 10 government-appointed experts agree: Everything is fine. □

Robert Kuhn McGregor, an environmental historian at the University of Illinois at Springfield, is a frequent contributor to the magazine.

Justice Department picks interim U.S. attorney

Rodger Heaton has been named interim U.S. attorney for the Central District of Illinois. The former assistant U.S. attorney replaces **Jan Paul Miller**, who resigned to take a position with a private firm.

Heaton served as a federal prosecutor from 1989 to 2000, and then practiced law with a Chicago firm until 2003 when he became chief of the civil division of the central district U.S. attorney's office, which is based in Springfield.

Dirksen Center director becomes Pekin's mayor

Frank Mackaman, who has served two decades as executive director of the nonprofit Dirksen Congressional Center, was selected by the Pekin City Council to serve as that city's mayor. Former Pekin Mayor **Lyn Howard** was forced out of office late last year after his official misconduct conviction for using a city credit card to gamble at a riverboat casino.

Mackaman is expected to serve until the April 2007 mayoral election.

O BITS

Monroe Flinn

The former longtime state representative and leader of the 1972 Constitutional Convention died November 29. He was 87.

The Democrat from Cahokia represented his southern Illinois region in the House from 1971 through 1995.

Flinn helped bring major projects to St. Clair County including MidAmerica Airport, where a road bears his name.

"Monroe was one of the most effective legislators ever to serve in the General Assembly from our area," said Democratic U.S. Rep. Jerry Costello of Belleville in a prepared release. "He never sought the headlines or recognition; he just did his job and did it well."

Big people on campus



Glenn Poshard

Former U.S. Rep. **Glenn Poshard** is the new president of Southern Illinois University. He replaces **James Walker**, who has been on sick leave battling cancer. Interim President **Duane Stucky** returned to his position as vice president of financial and administrative affairs.

Poshard was chairman of the SIU Board of Trustees until June 2005, when he resigned to become a candidate for the president's post. He holds three degrees from SIU.

After serving a three-year stint in the Army and then getting his bachelor's degree, he taught high school history and government and coached sports at Galatia and Thompsonville high schools in Saline and Franklin counties while working on a master's degree. He received a doctorate in higher education administration while serving as assistant director of the Southern Illinois Regional Education Service Center and then as director of the Area Service Center for Educators of the Gifted.

He began his political career in the Illinois Senate, where he was appointed in August 1984, then elected in November and re-elected in 1986. He limited himself to five terms in Congress, serving from 1989 to 1999. He ran unsuccessfully for governor against George Ryan in 1998.

Poshard returned to SIU to serve four years as the vice chancellor of administration. After retiring from the SIU administrative post in 2004, he chaired the university's board of trustees. In addition, with his wife Jo, he created the Poshard Foundation, a nonprofit that shelters and gives assistance to abused women and children in the southern third of the state.

Gov. Rod Blagojevich also appointed Poshard to chair the Illinois Health Facilities Planning Board following a 2004 kickback scandal involving former board members.

House member convicted



Patricia Bailey

Patricia Bailey's seat in the Illinois House was vacated under orders of Attorney General Lisa Madigan after the Democratic lawmaker from Chicago was found guilty of forgery and perjury. Bailey admitted that she did not live at the address she listed on her candidacy statement, but said she had plans to move there at the time, according to The Associated Press.

"Ms. Bailey's actions were a serious breach of the public trust," said Madigan in a prepared statement. "Voters who voted for or considered voting for Ms. Bailey believed that she lived in the Sixth District. The fact that she did not is unethical and illegal."

Bailey, who was elected in 2002, was re-elected to the House in 2004 after winning a primary race against former Death Row inmate Aaron Patterson.

Her sentencing was set for December 21.

Professor takes a cold job

Scott Ishman, a Southern Illinois University Carbondale associate geology professor, has been named to the Antarctic Drilling Program, an international research team that in 2007 will go to the bottom tip of the world to study global warming.

In 2004, he was part of a team that discovered an undersea volcano in the Antarctic Sound. His assignment on the 2007 trip will send him to the Ross Sea, where his team is expected to evaluate fossils found in sediment.

Ishman, whose specialties include paleoclimatology, is co-author of an article that appeared in *Nature* magazine last year arguing that human behavior is behind global warming, which causes ice shelves in the earth's polar regions to melt and collapse.

For updated news see the *Illinois Issues* Web site at <http://illinoisissues.uis.edu>

Charles N. Wheeler III



Statehouse reporter uncovers need to re-evaluate teacher evaluations

by Charles N. Wheeler III

Close your eyes and envision your workplace — the office, the shop floor, wherever. Now mentally rate your co-workers. Are they all doing an OK job? Or is there someone who's not up to the task, whose performance is sub-par?

If your answer is no, everyone's work is at least satisfactory, perhaps you're a tenured Illinois public school teacher, a category in which almost no one does a poor job, if you believe the ratings prepared by administrators in the state's 876 local school districts.

On average, only one out of 930 tenured teachers — roughly one-tenth of 1 percent — are given "unsatisfactory" ratings by their supervisors each year. The other 99.9 percent are deemed "satisfactory" or better, according to an exhaustive, six-month review of teacher accountability records conducted by Scott Reeder, the Statehouse bureau chief for Small Newspapers.

Moreover, the study discovered, more than four out of every five Illinois school districts have never listed any tenured teacher as unsatisfactory during the past decade. Other findings appear just as startling.

Only 61 school districts — just 7 percent — have attempted to fire a tenured teacher since the current evaluation process was put in place; only 38 succeeded. Under a 1985 law, school boards outside the city of Chicago can't fire teachers directly, but must make the case for dismissal before a hearing officer

How well has the teacher accountability law worked since its enactment 20 years ago?

The answer seems obvious — not very effectively.

in an adversarial proceeding.

On average, hearing officers each year approve dismissal for only seven out of roughly 95,500 tenured teachers in the state. Just two are fired for poor job performance, while the other five are let go for misconduct.

The eye-opening investigation stemmed from a simple question Reeder asked himself: How well has the teacher accountability law worked since its enactment 20 years ago? The answer seems obvious — not very effectively.

School administrators and education researchers tended to attribute the findings to aggressive defense of under-performers by unions, which wield formidable political money and muscle and are aided by complex procedural hoops that local administrators must jump through to make the case against a bad teacher, often at the cost of hundreds of thousands of dollars, the analysis found.

Leaders of the Illinois Education Association and the Illinois Federation of Teachers said the study missed a key

point — most poor teachers are weeded out in the four probationary years before they are tenured. Moreover, they argued, the few bad apples that do slip through tend to leave voluntarily before formal dismissal procedures are invoked.

If one accepts at face value the unions' arguments — that almost 100 percent of tenured teachers are doing a satisfactory job — one reasonably might expect that this near-universal competence would be reflected in Illinois schoolchildren's scores on the standardized tests of basic skills given each year.

Yet the most recent results belie the assertion. Children in 3rd, 5th, 8th and 11th grades were tested last spring against state standards in math and reading. The percentage of children passing the math test ranged from a high of 79 percent in 3rd grade to a low of 53 percent in 11th grade. In reading, the pass rate ran from 73 percent for 8th graders to 60 percent for 11th graders, according to the State Board of Education.

While the 2005 scores were slightly up, the results were hardly what one would expect if all but a tiny fraction of tenured teachers were meeting the mark.

Some have seized on the newspaper group's work to call for the abolition of tenure, contending that its sole purpose is to shield incompetent teachers from dismissal. While that may be one result of the current system, tenure also serves the worthwhile purpose of protecting good teachers from politically motivated

employment decisions. That's nothing to be taken lightly in a state like Illinois, where patronage remains a fact of life that infuses much government hiring, and in a time in which classrooms increasingly are becoming battlegrounds in the nation's culture wars.

To avoid such a draconian response, union leaders would be well-advised to join legislators, the business community, education activists and other interested parties in making the evaluation process more meaningful, so that principals are no longer routinely rating teachers based on a couple of hours of classroom observation and one-on-one meetings every other year. To do so, experts in teacher evaluation say, one might:

- track each student individually each year, measuring how much the child has learned during the time spent with the teacher, rather than whether the child can clear some fixed bar. Children learn at different rates, and measuring each child's progress toward learning goals would be a much better indicator of a teacher's effectiveness than using the current apples-and-oranges comparison

Such comprehensive reform would strengthen accountability, but more important, it would help assure that Illinois school kids aren't having their future prospects shortchanged.

of this year's 3rd graders to last year's.

- give principals more time for classroom observation and draw on additional sources of information — such as self-evaluations and portfolios, ratings from fellow teachers and surveys of students and parents — to get a better assessment of teacher performance.

- create more realistic improvement plans for teachers having difficulties,

including mentoring by master teachers, access to best-practice training and other proven techniques.

- ease some of the procedural burdens that make it difficult for incompetent teachers to be fired, so that dismissal decisions are based on the teacher's competency, not legal technicalities.

- offer financial incentives to the best teachers, those whose evaluations and student performance consistently are good, based on clear, objective measurements.

- require the state board to compile and publish evaluation information on at least a statewide, preferably a district-by-district, basis, including data on the percentage of probationary teachers not granted tenure and the number of tenured teachers who leave voluntarily.

Such comprehensive reform would strengthen accountability, but more important, it would help assure that Illinois school kids aren't having their future prospects shortchanged. □

Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois at Springfield.

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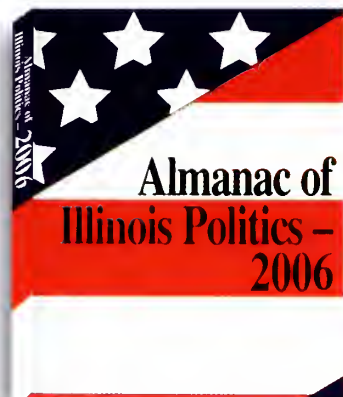
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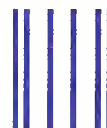
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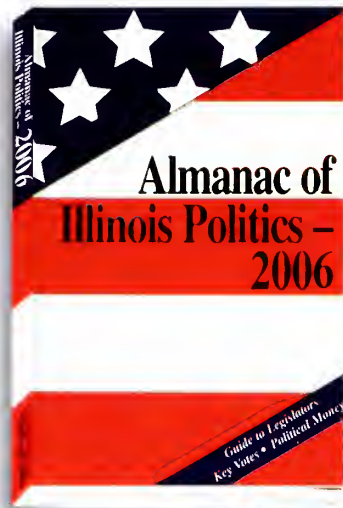
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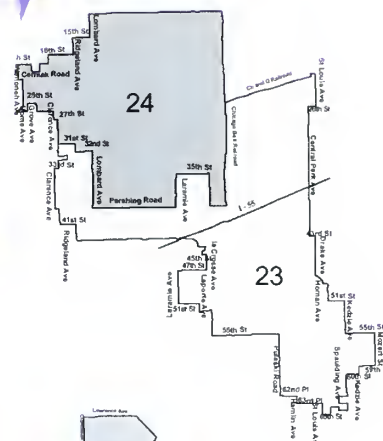
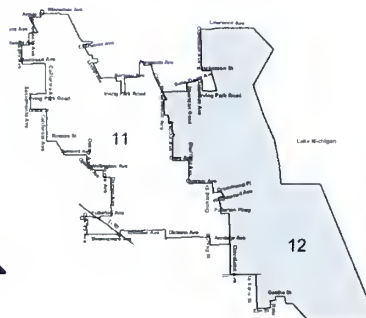
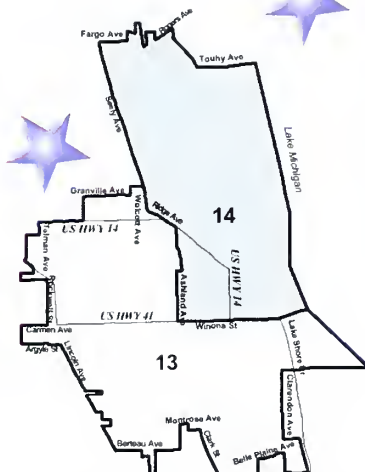
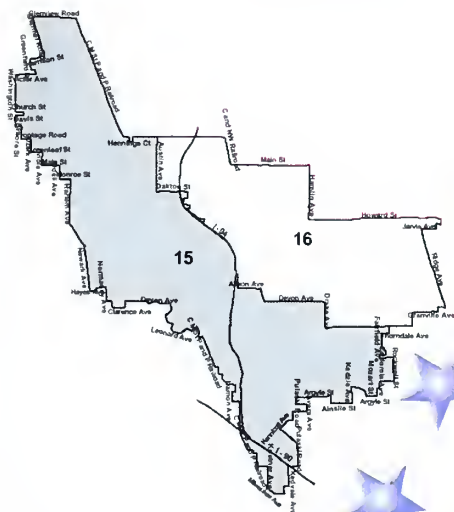
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